

19/12/12
Sn 1229 of 12
Mr. A. S. K. Ghorl

IN THE SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

PRESENT:

Mr. Justice Sarmad Jalal Qumany
Mr. Justice Gulzar Ahmed

CIVIL PETITION NO. 558-K OF 2011

Pakistan Defence Officers Housing Authority, Karachi.

Petitioner

VERSUS

M/s Grace Builders (Pvt.) Ltd. Through M.D. Syed Asif Ali.

...Respondent

For the petitioner: Mr. Nadeem Azhar Siddiqui, ASC
Mrs. Shiraz Iqbal Chaudhry, AOR

For the Respondents: Mr. Shaiq Usmani, ASC
Mr. A.S.K. Ghorl, AOR

Date of Hearing: 06.09.2012

ORDER

After having briefly heard both the learned ASCs, we have reached the conclusion that the Petitioner did not have any power to condone illegal construction in the concerned building i.e. conversion of the basement meant for car parking as such power is only available to the Cantonment Board under Sections 184 and 185 of the Cantonment

FILED Act, 1924.

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2. In these circumstances, the initiation of the arbitration process whereby only the Petitioner authority was involved was perhaps incorrect as the affected persons i.e. shopkeepers as well as the Cantonment Board were not made parties. Hence in order to do complete justice, as learned ASC appearing for the Respondent has admitted that the conversion of the basement into shops was unlawful and the

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Respondent would have no objection if same was reversed, we would direct the Respondent to ensure that this process is reversed and the basement is vacated and converted for the purpose of car parking alone. This exercise shall be done within three months extendable only for genuine reasons.

Sd/-Sarmad Jalal Osmany, J.
Sd/-Gulzar Ahmed, J.

CERTIFIED TO BE TRUE COPY

[Signature]
10/9/12
Superintendent
Supreme Court of Pakistan

Karachi, the
5th September, 2012
Rabbani*

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M.A.S.K. Ghani, Son